

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CASE NO. 2:12-CR-3-1 -JRG-RSP
	§	
DAVID LYNN SIRMANS	§	

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
FINDING DEFENDANT GUILTY  
PURSUANT TO RULE 11 (c)(1)(C)**

On this day, the Court considered the Findings of Fact and Recommendation of United States Magistrate Judge Roy S. Payne regarding defendant's plea of guilty under the provisions of Rule 11(c)(1)(C) to Count 1 of an information charging defendant with a violation of 21 U.S.C. § 841(a)(1), Manufacturing of at least 5 grams but less than 50 grams of Methamphetamine (actual). Having conducted a proceeding in the form and manner prescribed by FED. R. CRIM P. 11, the Magistrate Judge recommends that the Court accept the defendant's guilty plea, reserving to the District Judge the option of rejecting the Plea Agreement if, after review of the presentence report, the agreed sentence is determined not to be the appropriate disposition of the case. The parties waived their right to file objections to the Findings of Fact and Recommendation. The Court is of the opinion that the Findings of Fact and Recommendation should be accepted.

It is accordingly ORDERED that the Findings of Fact and Recommendation of the United States Magistrate Judge, filed on January 7, 2013 are hereby ADOPTED.

It is further ORDERED that, pursuant to defendant's plea agreement, the Court finds defendant GUILTY of Count 1 of the information in the above-numbered cause, reserving to the

District Judge the option of rejecting the Plea Agreement if, after review of the presentence report, the agreed sentence is determined not to be the appropriate disposition of the case.

**So ORDERED and SIGNED this 14th day of February, 2013.**

  
\_\_\_\_\_  
RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE